

Kensington Forum

Building Height SPD (2010) Response Summary

- 1.1 On 27th September 2018 the Royal Borough of Kensington and Chelsea's (RBKC's) Planning Applications Committee resolved to refuse against officer recommendation planning application reference number PP/18/03461 in relation to the redevelopment of 97-109 Cromwell Road, London, SW7 4DN. The draft reasons for refusal, which were published on 5th October 2018, are as follows:
- "1. The height and massing of the proposed development, including an additional tower, would cause less than substantial harm to the character and appearance of nearby heritage assets, especially in nearby views. The elevational treatments would be of an insufficiently high design quality to have a wholly positive impact on the character and quality of the townscape, **and the relevant tests for tall buildings in the Building Height SPD have not been undertaken**. The benefits of the development would not outweigh these harms. The proposal is, therefore, contrary to Consolidated Local Plan policies CL1, CL2, CL3, CL4, CL11, & CL12 and the Building Height (in the Royal Borough) SPD." [emphasis added]
- "2. In the absence of agreed Section 106 obligations, and provisions under section 16 of the General Powers Act, which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the Consolidated Local Plan, in particular policies C1, CT1, CR1, CR4, CR5, CR6, CE1, CE5, and CH2 and the London Plan."
- 1.2 Under the powers conferred by Section 2A of the 1990 Act on 23rd April 2019 the Mayor of London directed that he will act as the local planning authority for the purposes of determining the planning application.
- 1.3 The Views and Building Heights SPD (adopted September 2010, **SPD**) supplemented UDP (2002) policies when adopted (September 2010). It is not part of the adopted Development Plan but is a Local Development Document relevant to development management decisions.
- 1.4 The Consolidated Local Plan (CLP) confirms that the SPD is now intended to be used in establishing and assessing protected views for the purposes of Policy CL 11 (Views) – as noted at CLP 34.3.94 and page 315. This is understood to refer to the criteria in Chapter 5 and Appendix III of the SPD. Policy CL12 provides its own criteria for assessing building height.
- 1.5 Draft reason for refusal #1 suggests that the absence of specific assessment against the SPD is a reason for refusing permission. Assessment against the Development Plan Documents and regard to other material considerations was part of Royal Borough's responsibility and at the point that the draft reasons for refusal were prepared, the application submission documents and Committee report contained adequate

information to assess the proposals for the purposes of CL11 and the SPD. This note extracts and attributes the relevant information against each of the guidelines in Chapter 5 and Appendix III of the SPD for the purposes of assessment against CL11. These elements are wider than the purpose stated for the SPD's use in the CLP but are included for completeness here.

- 1.6 The detail and analysis set out below was included within various submission documents, including the Environmental Statement Volume 2 (Town and Visual Impact Assessment) prepared by [Peter Stewart Consultancy], the Design and Access Statement prepared by SimpsonHaugh and the Planning Statement prepared by GVA (now Avison Young).

Proactive tests for tall buildings (Chapter 5)	
Design quality	<p>The Proposed Development would be of high architectural quality, designed by an award-winning practice, and would provide a number of urban design benefits. It would represent a substantial improvement on the current conditions on the site.</p> <p>The Proposed Development would define Cromwell Road and Ashburn Place and animate them with ground floor uses. The consolidation of green space on one part of the site would allow it to become a usable and much more coherent space than that which currently exists.</p> <p>The form and massing of the Proposed Development would be well-considered. The arrangement of the massing across the Proposed Development would respond appropriately to the different conditions around the site. The off-setting of the upper blocks from the podium, and the angling of the northern frontage of the northern upper block such that it would overhang the podium, would provide the Proposed Development with a distinctive form, particularly when seen along Cromwell Road and Ashburn Place.</p> <p>The architecture of the Proposed Development would be of a high quality. The projecting floor slabs would provide an overall sense of order within the elevations. This would combine with the vertical alignment of bays to provide the elevations with a regular and gridded quality. The projection of the floor slabs and the angled or inset nature of bays would provide visually interesting depth and articulation to the facades. The use of a limited palette of materials, and the regular nature of the elevations, would be such that the Proposed Development would have a relatively simple and restrained appearance overall.</p> <p><i>(see: Design and Access Statement section 5.6.3 'Materiality and Design Quality'; and, Planning Statement section 'Architectural Quality' paras. 7.19 - 7.33)</i></p>
Townscape legibility	<p>The high visual and architectural quality of the Proposed Development would allow it to act as a distinctive and attractive landmark, enhancing London's character through its prominent position on one of the main approach routes to central London from the west, and in an area of larger scale modern buildings close to Gloucester Road London Underground Station.</p> <p>The existing building on the Site already acts as a landmark; however, given its poor visual quality, it is not a positive landmark, and the Proposed Development would represent a substantial improvement on it.</p> <p>The Committee report assessment against the relevant Development Plan Document policies included the following relevant to the application of CL11 policy tests and the SPD (6.104):</p>

	<p><i>"The approach of replacing the existing tall building with blocks that are set on the geometry of the Cromwell Road, reinforces the street edges and steps in height from the context of Courtfield Road to that similar to the current building is well-conceived. The elevational designs are well considered and attractively detailed. They provide sufficient contextual response, given the contrasting scale, and make for an engaging, high quality landmark building.</i></p> <p><i>The new building is a considerable improvement to the current hotel. The scheme would therefore accord with policies 7.4, 7.5, 7.6 and 7.7 of the LP and CLP policies CL1, CL2, CL11 and CL12 which relate to design quality, character and context, views and building heights."</i> (emphasis added)</p> <p>The assessment of public realm legibility available at the time the reasons for refusal were published also included the following (6.111-6.113 of the Committee Report):</p> <p><i>"The original Ashburn Gardens was severely compromised by the original hotel development in the 1970's and now has little legibility, is uninviting, and rarely used. The portion to the south is dominated by ventilation ducts and fire escapes from the existing basement, whilst the land to the Cromwell Road frontage is severed from the remainder of the garden square and is a dead space of little value.</i></p> <p><i>Local Plan policy CR5 seeks to resist development that would result in the loss of public open space or would have an adverse effect on garden squares and communal gardens.</i></p> <p><i>The re-configuration of the garden square is of significant design and planning benefit, restoring the historic London square and its concurrent contributions to physical and visual amenity and to local distinctiveness. The gardens are laid out in a simple and for the most part traditional fashion with traditional railings, lawns and planted areas and gravel pathways." (emphasis added)</i></p> <p><i>(see: Design and Access Statement section 5.2 'Proposed Massing and Townscape Impact'; and, Planning Statement section 'Tall Buildings' paras. 7.8 - 7.18)</i></p>
<p>London-wide public uses</p>	<p>The development will support London's visitor economy through the increase in the quantum, range and quality of accessible visitor accommodation in an existing hotel location in close proximity to the internationally significant tourist attractions in the South Kensington Museum Complex and Royal Albert Hall Strategic Cultural Area with excellent access to public transport adjacent to Gloucester Road Station.</p> <p>The associated conferencing and function facilities will be the largest in West London and support London's distinct and unique status as a globally iconic core of one the world's most attractive and competitive business locations and visitor destinations.</p> <p>The development will also provide new restaurants with outdoor terraces, a new gym and health spa facilities. All will be for public use and will animate the street.</p> <p>The development will re-establish the historic Garden Square that is currently fragmented, inaccessible and neglected. This re-imagined garden square will be subject to a formal access, management and maintenance plan agreed with local residents groups for the first time in an area which has a deficiency in public open space. It will also create new public connections through the site thereby improving permeability.</p> <p>Significant wider public realm improvements around the site and Gloucester Road Station are proposed to be funded which will</p>

	<p>deliver a step change for the area in terms of design quality, legibility and coherence. This enhancement would not only contribute to the establishment of a sense of place, but also contribute to a stronger sense of destination, reflecting the changing and improved character of the area which will result from development. This is in line with the overall objective of delivering outstanding design quality which is required for all developments in RBKC, particularly tall buildings.</p> <p><i>(see Planning Statement section 'Scheme Benefits' paras. 2.1- 2.3)</i></p>
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Design Evaluation Checklist for Tall Buildings (Appendix III)

<p>Relationship to context – response to its local context in terms of siting, height, massing, scale, urban grain, streetscape, built form, alignment, articulation, materials, architectural language, detailing, open spaces and waterways.</p>	<p>The evaluation of local context and the impact of the proposals available when the reasons for refusal were published (in the Committee report, 6.44) included the following, cross-referring to the SPD:</p> <p><i>"The current building is, as follows:</i></p> <ul style="list-style-type: none"> • <i>a singular statement building with an architecture that is distinctly of its time.</i> • <i>The building ignores its locality: Its cruciform shape poorly responds to the site's geometry and urban structure beyond.</i> • <i>It offers no continuity or definition of the street edge, poor legibility, and sporadic activation and little animation.</i> • <i>Its layout fragments the adjacent open space and renders large parts of it inaccessible.</i> <p><i>The high rise form has no real presence on the Cromwell Road, but looms above the adjacent terraced houses, where the projecting wings and angular roof form, repetitive floors and rough concrete finish make for a crude and unnecessarily aggressive architecture. The tower is bulky and awkward in appearance; its redeeming interest being the distinctive high-level corbelling and piloti below its northeast wing, and the arrowhead form of its northeast wing that angles towards the Cromwell Road.</i></p> <p><i>Its refurbishment has resulted in the infilling and over-painting of its lower part, but leaves a disjointed appearance. The building detracts from the character and appearance of the adjacent Conservation Areas and the amenity of the adjoining registered London garden square. The building is not a non designated heritage asset and is identified as an 'eyesore' within the Council's tall buildings SPD.</i></p> <p><i>The demolition of the existing building would be acceptable, leading to an enhancement of the townscape as long as it is replaced with a development of high quality architectural and urban design quality." (emphasis added)</i></p> <p>As set out in section 5.2 of the Design and Access Statement, the extensive 18 month long consultation process had a significant input into the proposed general arrangement of the massing on the site. The key views of the exiting building that have influenced the development of the massing are those from the north in Kensington Palace and Launceston Place, both east and west along Cromwell Road and to the south particularly from Courtfield Road. In all these views the geometry, at an angle to the set-out of the existing streets has generated an imposing mass that increases its impact, by broadening its elevations to the streets whilst extending its height towards the large plane trees and Courtfield Road and Ashburn Gardens.</p> <p>As a result of this context and the design response, the layout of the Proposed Development, with buildings on the eastern part of the site</p>
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	<p>and the proposed garden square on the western part of the site, would relate well to the urban form of the surroundings i.e. by addressing streets directly and providing a garden square.</p> <p>The arrangement of the massing would respond appropriately to the different contexts addressed by the site; the tallest element would be located against the main road of Cromwell Road, the lower residential element would be located at the southern end of the site, closer to existing smaller scale housing, and the central block would form an intermediate scale in between them.</p> <p>The elevations would have a balance of horizontal and vertical elements which, together with the use of white stone panels, would relate well to the appearance of stucco terraces in the local area.</p> <p><i>(see: Design and Access Statement section 2.0 'Design Process: Context', section 5.2 'Proposed Massing and Townscape Impact', section 5.6 'Façade Design', and section 6.0 'Landscape and Public Realm')</i></p>
<p>Impact on historic assets – response to heritage assets in terms of scheduled monuments, listed buildings, conservation areas, registered parks and gardens, archeological remains, including their settings and views.</p>	<p>The Proposed Development would not cause harm to the heritage significance of the historic assets in the area around it.</p> <p>While the Proposed Development would have an increased apparent scale compared to the existing building in some views, the fundamental nature of that contrast with heritage assets would be similar to that which exists already, and is not in itself a cause of harm compared to the existing situation; and the high architectural quality of the Proposed Development would improve the existing situation. In particular, the design would respond positively to the historic environment around the site in the following ways -</p> <ul style="list-style-type: none"> ▪ The form of the Proposed Development and its alignment on the site relates well to the urban structure of the adjacent and wider historic environment i.e. by addressing streets directly and providing a garden square. ▪ The location and shape of the gardens would be considerably more akin to that which existed historically than the existing situation. ▪ The visual and architectural quality of the Proposed Development would be substantially higher than that of the existing building. ▪ The use of white stone panels would relate well to historic housing more widely in the local area, much of which features stucco elements. <p><i>(see: Design and Access Statement section 2.2 'Historical Context'; Townscape, Visual and Heritage Impact Assessment Part 2 'Built Heritage'; and, Planning Statement section 'Heritage' paras 7.33 – 7.39)</i></p>
<p>Impact on views – response to strategic and local views, prospects and panoramas; contribution to the skyline in terms of building proportion, silhouette and crown and in its relationship to other existing tall buildings; removal of an existing tall building that seriously detracts from the visual experience of the borough; formation of an attractive new vista; and articulation of a point of townscape legibility.</p>	<p>In the views in which it would be visible, the Proposed Development would appear in a similar manner to the existing building on the site, although it would be of a much higher visual quality.</p> <p>In longer range views, the Proposed Development would appear as an element in the distance, distinct from the development further in the foreground, and in some cases appearing as a minor focal point in views along roads which are aligned on the site.</p> <p>In medium range views, the division of the Proposed Development into different blocks would be apparent such that it would be seen to have a distinctive form, and helping to break up its overall apparent scale. The regular and ordered nature of the elevations, including a balance of horizontal and vertical elements which would echo the composition of terraced development in the wider area, could also be appreciated in such views.</p> <p>The depth and articulation provided by the angling of the bays and</p>

	<p>the projection of the floor slabs would become increasingly apparent at shorter range, as would the use of good quality materials, including white stone panels which would complement the materiality of nearby historic development.</p> <p><i>(see: Design and Access Statement section 5.2 'Proposed Massing and Townscape Impact'; Townscape, Visual and Heritage Impact Assessment Part 1 'TVIA'; and, Planning Statement section 'Tall Buildings' paras. 7.8 - 7.18)</i></p>
<p>Architectural quality – architectural form, composition, integrity and inventiveness, forming a distinguished landmark, with detailed consideration given to its scale, height, massing, proportion, slenderness ratio and silhouette, facing materials and detailing and relationship to other structures, and incorporation of the building services and telecommunications equipment as integral to the design; addresses quality of life of those using the building in terms of function, fitness for purpose, access, safety and amenity; and building robustness, allowing adaptation over time.</p>	<p>The architecture of the Proposed Development would be of a high quality. The projecting floor slabs, combined with the vertical alignment of bays in the towers, would provide an overall sense of order within the elevations. The projection of the floor slabs and the angled or inset nature of bays would provide visually interesting depth and articulation to the facades. The use of a limited palette of good quality materials, and the regular nature of the elevations, would be such that the Proposed Development would have a relatively simple and restrained appearance overall.</p> <p>The efforts to achieve exemplary design were recognised in the assessment (available when the reasons for refusal were published) at 6.71 of the Committee report:</p> <p><i>"The proposal would result in a landmark tall building that is of exceptional, convincing, and highly attractive architectural quality and urban design, especially when viewed in the round".</i></p> <p><i>(see: Design and Access Statement section 5.6.3 'Materiality and Design Quality' ; Townscape Visual and Heritage Impact Assessment Part 1 'TVIA' section 'Assessment of design' paras 1.177 – 1.181 and Part 2 'Built Heritage'; and, Planning Statement section 'Architectural Quality' paras. 7.19 - 7.33)</i></p>
<p>Relationship to public realm – interaction with the surroundings at street level in terms of well defined edges and public space enclosure, activated frontages with transparent facades, and the provision of public space or facilities; contribution to the safety, diversity, vitality, social engagement and 'sense of place'; and maximises access for people of all abilities .</p>	<p>The form of the built mass of the Proposed Development has developed in relation to the historic footprint of the site and addresses the streets directly. The existing building is set back considerably from Cromwell Road and this area of public realm is ill-defined, the Proposed Development brings the front of the development in line with the building frontage along the rest of Cromwell Road. The building also holds the street line strongly along Ashburn Place.</p> <p>The remainder of the site is utilised for public space in the form of the Garden Square, arrivals square and residents garden. These areas are well defined by either railings or hedgerows and provide consolidated, meaningful public amenity spaces. Each area maintains its own character while performing holistically within the wider public realm strategy offering a sense of address for residents, hotel visitors and the public alike. The Garden Square is the heart of the development and creates an established identity for the site.</p> <p>Promoting wayfinding and legibility, the hotel entrance along Cromwell Road is supported by the considered design of the arrivals square. The arrival square is enclosed by a low hedge, and features several trees anchoring the corners of the square to demarcate the space. The entrances to the hotel and its associated restaurants are glazed and activate the Cromwell Road and Ashburn Place streetscapes, as well as the garden square.</p> <p><i>(see: Design and Access Statement section 6.0 'The Development: Landscape and Public Realm'; and Planning Statement section 'Public Realm, Open Space and Amenity Space' paras. 7.50 – 7.55)</i></p>
<p>Urban design quality – addresses connectivity of the site and permeability of the wider area, and accessibility to all; and contribution to the legibility of the</p>	<p>Recognising wider urban connections, the Proposed Development has several pedestrian entrances to the buildings that provide convenient access from different directions. New pedestrian routes are provided through and alongside the garden square improving permeability and connectivity to the wider pedestrian network. The</p>

<p>townscape through the opening up or effective closure of views and articulation of a point of significance.</p>	<p>development would open up the garden square as a public space for pedestrian movement and activity. The garden square will be designed to enable easier pedestrian movement around and through the site.</p> <p>The hotel entrance along Ashburn Place provides a new, active frontage, clearly articulated so as to be legible from the approach along both Cromwell Road and Courtfield Road from Gloucester Road London Underground Station. This, alongside other public realm improvements will contribute to an improved pedestrian experience in quality and safety.</p> <p>The Proposed Development would act as a distinctive and high quality landmark along one of the main approach routes to central London from the west, in a location close to Gloucester Road London Underground Station.</p> <p><i>(see: Design and Access Statement Section 4 'Design Process – Evaluation and Evolution'; and, Planning Statement sections 'Public Realm, Open Space and Amenity Space' paras. 7.50 – 7.55 and 'Transport, Access and Movement' paras. 8.1 – 8.27)</i></p>
<p>Impact on local environment – addresses any microclimatic effects of air turbulence and diversion of winds to ground level, loss of daylight/ sunlight, overshadowing of adjacent buildings and open space, glare and noise reflection through careful siting and orientation, sensitive architectural form (design of floorplate, massing, height, setbacks) and use of architectural devices (awnings, skirts, terraces); and if lit at night, how well designed and appropriate It is to the building and its setting.</p>	<p>The mass and height of the Proposed Development have been concentrated around the location of the existing building's height and mass. This has been considered so as to mitigate any potential changes to the existing environmental condition incurred by the Proposed Development. Within this, the tallest element has been sited to the north-easternmost edge of the site to provide the greatest distance from, and thus minimise impact to the residences to the south and west. The mass steps down from the north in recognition of this also, reducing any potential overshadowing of the adjacent terraces.</p> <p>The detailed analysis of daylighting effects was included in the Committee report (6.128-6.139), which acknowledged that:</p> <p>"...the proposals would result in failures to comply with BRE guidelines in a number of instances, and in some there would be some noticeable changes to the level of daylighting within the rooms of some of the surrounding properties. However, failure to comply with the BRE guidelines does not in itself make a development unacceptable, and when considering the context and various aspects considered previously, the proposals would either maintain a satisfactory level of daylighting or would not materially worsen the living conditions for existing surrounding properties."</p> <p>The Committee report also summarised the detailed assessments of shadowing and sunlight effects and concluded that both were acceptable. Full detail was also available in [] of the ES and the [supplemental D/S study?].</p> <p>The consolidation and siting of the garden square provides a significant separation between the proposed massing and the adjacent context to the west.</p> <p>A comprehensive microclimate assessment has been carried out within the Environmental Statement. Through this study several wind mitigation measures were tested so that the Proposed Development satisfies all comfort and safety requirements. These measures are fully integrated into the proposals.</p> <p>The orientation of the massing on a north-south axis minimises the potential overshadowing of adjacent buildings by presenting its most slender profile to the southern sun path.</p> <p><i>(see: Environmental Statement Volume 1 'Main Report' and Volume 3 'Technical Appendices')</i></p>
<p>Delivers sustainability – use of the latest sustainable design and</p>	<p>The sustainability strategy for Kensington Forum has been developed with the design team to comply with the relevant environmental</p>

<p>construction practices and technologies, with detailed consideration given to the built form configuration and orientation, energy sources and conservation, material source and lifecycle, internal temperature control and use of natural ventilation, water use and conservation and mitigation of water run-off, waste management and on-site ecology; enhances long-term energy and resource efficiency by designing for flexibility and building adaptation; BREEAM or EcoHomes rating, or a recognised equivalent.</p>	<p>policies from the London Royal Borough of Kensington and Chelsea and the London Plan.</p> <p>The Proposed Development is targeting the achievement of BREEAM 'Excellent'. High efficiency fabric, community heating with CHP and Photo Voltaic Panels are proposed to exceed the required reduction in regulated CO2 emissions of 35% and actually reduce emissions by an estimated 38.5%</p> <p>The design of the Proposed Development has been well-considered so that it is able to adapt to climate change and reduce the requirement for cooling in the following ways:</p> <ul style="list-style-type: none"> • West Facing apartments have glazed facades orientated to the North West to minimize peak afternoon solar gains • Balconies and other external façade treatments offering substantial solar shade • Fully opening balcony doors to help reduce the risk of overheating • Inclusion of blinds to reduce solar gains <p><i>(see: Environmental Statement Volume 1 'Main Report' and Volume 3 'Technical Appendices'; Energy Statement; Design and Access Statement sections 8.4 'Building services and Energy Strategy' and 8.5 'Sustainability statement'; and, Sustainability Statement)</i></p>
<p>Protection of design quality – capability and commitment to carry through the vision and design qualities set out by the original architect during the process of procurement, detailed design and construction.</p>	<p>The proposals are in full detail, with a range of conditions controlling materials and treatments (for example, Conditions 66 and 67).</p> <p>SimpsonHaugh have a proven commitment to realising the architectural visions of their projects and securing quality in the detailed designs for construction.</p> <p>The intention is that they would stay involved and this commitment can be secured through the S.106 Agreement.</p> <p><i>(see Planning Statement section 4 'Proposed Development')</i></p>
<p>Land use - provision for a strategic London-wide public use; uses that activate the building at grade level; public access to the building, especially at grade and/ or high level.</p>	<p>The Proposed Development benefits from a largely active frontage on each elevation at ground floor level. The hotel lobby, its entrances and restaurants activate Ashburn Place, Cromwell Road and the elevation running adjacent to the pedestrian route to the east of the garden. The restaurant along Cromwell Road is accessed directly from the street at the front and at the side from the hotel arrivals square which shall provide a concentration of passive pedestrian activity.</p> <p><i>(see: Planning Statement sections 'Scheme Benefits' paras. 2.1- 2.3 and 'Garden Square Proposals' paras 4.22 – 4.27; and, Design and Access Statement section 6.0 'Landscape and Public Realm')</i></p>